

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

Susan M. Dunaway, OSB No. 97050

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Of Attorneys for Defendants

FILED 01/09/07 10:15 AM

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

AMANDA MORTIMER,

Plaintiff,

v.

CHRISTOPHER GREEN, individually; and
MULTNOMAH COUNTY, a local
governmental entity,

Defendants.

Civil No. **CV'07 - 0040 JO**

NOTICE OF REMOVAL

TO: Judges of the United States District Court for the District of Oregon;
Administrator of the Circuit Court of the State of Oregon for the County of Multnomah;
and Dirk Doyle, Attorney for plaintiff.

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446, Defendants
Christopher Green and Multnomah County hereby removes to this Court the case now
pending in Multnomah County Circuit Court as *Amanda Mortimer v. Christopher Green,*
individually and Multnomah County, a local governmental entity, Case No. 0612-12834.
All defendants join in this removal.

Page 1 – NOTICE OF REMOVAL

13355

Multnomah County Attorney
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(503) 988-3138

As grounds for removal, Defendants Christopher Green and Multnomah respectfully give Notice of Removal as follows:

NOTICE OF REMOVAL IS TIMELY AND ALL DEFENDANTS JOIN IN THE REMOVAL

1. On December 11, 2006, this action was commenced against defendants in the Circuit Court of the State of Oregon for the County of Multnomah, entitled *Amanda Mortimer v. Christopher Green, individually, and Multnomah County, a local governmental entity*, Case No. 0612-12834. A copy of the Complaint and an Acceptance of Service was sent to Multnomah County on December 18, 2006, and are attached hereto as Exhibits 1 and 2 respectively and made a part of this notice. A copy of the Complaint and an Acceptance of Service for both defendants, Christopher Green and Multnomah County, was sent to the Multnomah County Attorney's Office on December 28, 2006. The defendants' accepted service on January 5, 2007 and a copy of the Acceptance of Service is attached hereto as Exhibit 3 and made a part of this notice. Accordingly, thirty days has not expired since receipt by defendants of a copy of the Complaint herein, and defendants have not entered or appeared or voluntarily invoked or submitted to the jurisdiction of the Circuit Court for the State of Oregon for the County of Multnomah in any manner.

2. The above-described action against defendants Green and Multnomah County is a civil action which may be removed from that court by defendants under the provisions of Title 28 USC §§ 1331, 1367 and 1441, in that this Court has original jurisdiction over one of the claims against defendant Green as it is a civil action brought pursuant to 42 USC § 1983, seeking damages on account of an alleged violation of plaintiff's rights, privileges and immunities secured by the Constitution and laws of the United States of America.

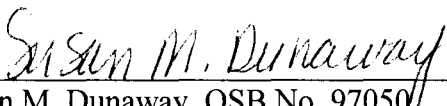
3. Pursuant to 28 USC § 1446(d), defendants will file a notice of removal with the Clerk of the Circuit Court, Multnomah County, Oregon informing the court that this matter has been removed to federal court. A copy of this Notice of Removal, including all supporting exhibits, will be attached to the notice of removal filed with the circuit court. Pursuant to 28 USC § 1446(d), a copy of this Notice of Removal is also being served upon plaintiff.

THEREFORE, defendants Green and Multnomah County give notice that the above action now pending against them in the Circuit Court of the State of Oregon for the County of Multnomah has been removed therefrom to this Court.

DATED this 9th day of January, 2007.

Respectfully submitted,

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Susan M. Dunaway, OSB No. 97050
Assistant County Attorney
Of Attorneys for Defendants Christopher
Green and Multnomah County

I HEREBY CERTIFY THAT THE FOREGOING
IS A COMPLETE AND EXACT COPY OF THE
ORIGINAL THEREOF.

Attorneys for _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER

Plaintiff,

vs.

CHRISTOPHER GREEN, individually; and
MULTNOMAH COUNTY, a local
governmental entity,

Defendants.

0612-12834

)
) Case No.:
)
) COMPLAINT AND DEMAND FOR
) JURY TRIAL
)
) Civil rights, 42 U.S.C. § 1983; Negligence;
) Assault; Battery; Negligent Retention,
) Training and Supervision
)
) Claim Not Subject to Mandatory
) Arbitration
)

Plaintiff alleges:

FIRST CLAIM FOR RELIEF
(Civil Rights, 42 U.S.C. § 1983)

1.

Plaintiff Amanda Mortimer is a resident of Multnomah County. Defendant Multnomah County is a duly recognized county government agency within the State of Oregon. At all times material, Christopher Green was and is a Multnomah County Deputy Sheriff. While engaged in the acts giving rise to this lawsuit, Defendant Green was acting in the course and scope of his

COMPLAINT AND DEMAND FOR JURY TRIAL - 1

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EXHIBIT 1
PAGE 1 OF 7

1 employment as a Multnomah County Deputy Sheriff. Defendant Green is also sued in his
2 individual capacity under 42 U.S.C. § 1983 for depriving Plaintiff of her civil rights as more
3 fully alleged below.

4 **2.**

5 On or about December 13, 2003, between 3:00 a.m. and 4:00 a.m., Defendant Green was
6 on patrol in his Multnomah County Sheriff's uniform and in a marked Multnomah County
7 Sheriff vehicle. Defendant Green observed Plaintiff's vehicle parked in the area of E Columbia
8 River Highway and Crown Point. Defendant Green stopped and exited his patrol vehicle and
9 approached Plaintiff's vehicle. Defendant Green shined his police flashlight into Plaintiff's
10 vehicle and saw Plaintiff and a male friend. Defendant saw that Plaintiff was nearly completely
11 nude. Nevertheless, Defendant Green opened Plaintiff's vehicle and grabbed Plaintiff by the arm
12 and pulled her from her vehicle. Defendant Green then ordered Plaintiff to stand, nearly
13 completely nude, outside her vehicle in the cold, rain, and fog, adjacent to the busy Columbia
14 River Highway. Defendant Green ordered Plaintiff to remain standing as described, with no
15 legitimate purpose, for over 10 minutes, while Defendant Green illuminated her nude figure with
16 his flashlight, as traffic passed the scene, exposing Plaintiff's nudity to public scrutiny. Deputy
17 Green never called out the stop to his dispatch, never requested the presence of another deputy,
18 male or female, and never voluntarily wrote a report regarding the incident.

19 **3.**

20 Plaintiff felt that the actions of Defendant Green were peculiar and later reported the
21 incident to Ms. Valerie Gillum, the mother of the male friend who was with Plaintiff in the
22 vehicle at the time of the incident. Ms. Gillum contacted the Multnomah County Sheriff's

1 Department at 11:00 am on December 14, 2003 to report the incident and file a complaint. The
 2 Multnomah County Sheriff Internal Affairs Department investigated the complaint and, on April
 3 27, 2004, it issued a letter confirming that the Department had determined that the complaint was
 4 unfounded. The Internal Affairs Department found that Deputy Green had done nothing wrong
 5 or improper. Plaintiff read the letter shortly after Ms. Gillum received it. Plaintiff later became
 6 aware that other females were victimized by Defendant Green after the local daily newspaper,
 7 The Oregonian, published an article in September 2006 regarding Defendant Green. It was not
 8 until Deputy Green pled guilty on November 16, 2006 to physically harassing one of these
 9 female victims that Plaintiff learned that Defendant Green's conduct had no legitimate law
 10 enforcement purpose and that what Defendant Green did was wrong and a violation of Plaintiff's
 11 rights. After Defendant Green pled guilty, Plaintiff was injured, insulted, outraged and angry, as
 12 set forth more fully below. The first that Plaintiff knew her rights were violated and that she
 13 connected Green with a personal injury was in November 2006. This suit is timely filed as it is
 14 within 180 days or less of Plaintiff learning her rights were violated and that she suffered injury.

15 **4.**

16 Plaintiff has a constitutional right to be free from unreasonable searches and to be free
 17 from offensive or injurious physical contact.

18 **5.**

19 At all times material, Defendant Green was acting under color of state law and using his power
 20 as Deputy Sheriff to intimidate and coerce Plaintiff into revealing private areas of her body.

21 / / /

22 / / /

COMPLAINT AND DEMAND FOR JURY TRIAL - 3

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 503-236-3332

EXHIBIT 1
 PAGE 3 OF 7

Defendant Green, while acting under color of state law, deprived Plaintiff of her constitutional rights, specifically the rights to be free from offensive or injurious contact and to be free from unreasonable searches and seizures as protected by the fourth, fifth and fourteenth amendments to the U.S. Constitution. Defendant Green acted with deliberate indifference to the rights of the Plaintiff and coerced Plaintiff into exposing herself for his gratification and arousal.

Defendant Green's actions and the deprivation of Plaintiffs constitutional rights, as alleged, caused Plaintiff to be upset, nervous, uncomfortable and angry and caused personal injuries. Plaintiff is entitled to recover the sum of \$100,000 for the personal and constitutional injuries alleged herein,

Defendant Green's actions and the deprivation of Plaintiff's constitutional rights, as alleged, caused Plaintiff to suffer economic damages in the amount of \$5000.00 in time loss from employment and other productive activities;

The conduct of Defendant Green was in conscious disregard of the interests and rights of the Plaintiff. Plaintiff is entitled to punitive damages in the amount of \$100,000 to punish and deter the conduct of Defendant Green and others similarly situated.

Plaintiff is entitled to her attorney fees and expert witness fees pursuant to 42 U.S.C. §§ 1983, 1985 and 1988.

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SECOND CLAIM FOR RELIEF
(Assault and Battery)

11.

Plaintiff realleges paragraphs 1 through 7 above, as if set forth fully herein.

12.

Defendant Green's touching and harassing of Plaintiff was unwanted, threatening and caused offensive and insulting contact between the Defendant Green and Plaintiff. This contact was a battery and an assault. Defendant Green caused Plaintiff to suffer the damages alleged above in paragraphs 7 and 8. Defendant Multnomah County is liable because Defendant Green was acting in the course and scope of his duties as a Multnomah County Deputy Sheriff and had the apparent authority to stop, detain and question Plaintiff.

THIRD CLAIM FOR RELIEF
(Negligence)

13.

Plaintiff re-alleges paragraphs 1 through 7 above, as if set forth fully herein.

14.

Defendant Green was negligent in one or more of the following particulars:

A. In causing Plaintiff to remain standing nearly completely nude near the side of a public highway in inclement weather and under public scrutiny when Defendant knew, or reasonably should have known, there was no legitimate purpose for this invasion into Plaintiff's privacy

/ / /

1 B. In causing Plaintiff to remain standing nearly completely nude near the side of a
 2 public highway in inclement weather and under public scrutiny without having a female
 3 Deputy from the Multnomah County Sheriff's Department conduct the stop and search of
 4 Plaintiff if, in fact, there was a legitimate purpose for this invasion into Plaintiff's
 5 personal privacy.

6 15.

7 Defendant Multnomah County was negligent in more or more of the following
 8 particulars:

9 A. In failing to reasonably train and supervise Defendant Deputy Sheriff Green
 10 concerning the reasonable limits of his authority when demanding females expose
 11 themselves for his stop and searches;

12 B. In failing to stop Deputy Sheriff Green from demanding females expose their bodies
 13 for his stop and searches when the County knew or in the exercise of reasonable care
 14 should have known that he had developed a problem with demanding women to expose
 15 themselves for reasons that were not legitimate requirements of law enforcement and
 16 were likely to injure the females who were stopped;

17 C. In negligently retaining Green's employment when the County knew or in the
 18 exercise of reasonable care should have known that he had developed a problem with
 19 demanding women to expose themselves for reasons that were not legitimate
 20 requirements of law enforcement;

21 / / /

22 / / /

D. In negligently failing to have a policy whereby female law enforcement personnel would conduct stop and searches of females whose private personal body parts were exposed during the stop or search.

16.

The negligence of Defendants Green and Multnomah County, combining and concurring, caused Plaintiff the injuries set forth in paragraphs 7 and 8 and re-alleged here as if set forth fully herein.

WHEREFORE, Plaintiff demands a jury trial and claims for relief against Defendants as follows:

For her first claim for relief: Non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000; her attorney fees in an amount to be proven and punitive damages in the amount of \$100,000;

For her second claim for relief: Non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000 against Defendants and each of them;

For her third claim for relief: non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000; against Defendants and each of them; and

Such other relief as the court deems just.

DATED this 11 day of December, 2006

Respectfully submitted,

By: 

Dirk Doyle, OSB No. 99041
322 NW 5th Ave., Suite 307
Portland, Oregon 97209
Phone: 503-236-3332

COMPLAINT AND DEMAND FOR JURY TRIAL - 7

Dirk Doyle, P.C.
322 NW 5th Ave., Suite 307
Portland, Or 97209
503-236-3332

EXHIBIT 1
PAGE 7 OF 7

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER

Plaintiff,

vs.

CHRISTOPHER GREEN, individually; and
MULTNOMAH COUNTY, a local
governmental entity,

Defendants.

)
)
)
) Case No.: 06-12-12834
)
)
)
) ACCEPTANCE OF SERVICE
)
)
)

I, Susan Marie Dunaway, have authority to and do hereby accept service of true copies of
Plaintiff's Complaint and Plaintiff's First Request for Production of Documents to Defendant
Multnomah County on behalf of Defendant Multnomah County only.

DATED this ____ day of _____, 20__.

By: _____
Susan Marie Dunaway, OSB No. 97050
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, Or 97214
Phone: 503-988-3138
Fax: 503-988-3377
Email: susan.m.dunaway@co.multnomah.or.us
Attorneys for Defendant Multnomah County

ACCEPTANCE OF SERVICE - 1

Dirk Doyle, P.C.
322 NW 5th Ave., Suite 307, Portland, Or 97209
503-236-3332

EXHIBIT
PAGE 1 OF 2


2

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **ACCEPTANCE OF SERVICE** on the following person(s) on this same day by enclosing a copy in an envelope, properly addressed and with first-class postage, and placing in the mail in Portland, Oregon.

Susan Marie Dunaway, OSB No. 97050
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, Or 97214
Phone: 503-988-3138
Fax: 503-988-3377
Email: susan.m.dunaway@co.multnomah.or.us
Attorneys for Defendant Multnomah County

DATED this 1st day of Dec., 2006

By: 
Dirk Doyle, OSB No. 99041
322 NW 5th Ave., Suite 307
Portland, Oregon 97209
Phone: 503-236-3332
Fax: 503-236-3332
Email: dxd@earthlink.net
Attorney for Plaintiff

ORIGINAL

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER)

Plaintiff,)

vs.)

) Case No.: 06-12-12834

CHRISTOPHER GREEN, individually; and)
MULTNOMAH COUNTY, a local)
governmental entity,)

) ACCEPTANCE OF SERVICE

Defendants.)

I, Susan Marie Dunaway, have authority to and do hereby accept service of true copies of Plaintiff's Complaint and Plaintiff's First Request for Production of Documents to Defendant Multnomah County on behalf of both Defendant Multnomah County and Defendant Christopher Green.

DATED this 5th day of January, 2007.

By: Susan M. Dunaway
Susan Marie Dunaway, OSB No. 97050
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, Or 97214
Phone: 503-988-3138
Fax: 503-988-3377
Email: susan.m.dunaway@co.multnomah.or.us
Attorneys for Defendant Multnomah County

ACCEPTANCE OF SERVICE - 1

Dirk Doyle, P.C.
322 NW 5th Ave., Suite 307, Portland, Or 97209
503-236-3332

EXHIBIT 3
PAGE 1 OF 2

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 5, 2007, I served the foregoing **ACCEPTANCE OF**
 3 **SERVICE** on:

4 Dirk Doyle, PC
 5 322 NW 5th Avenue, Suite 307
 6 Portland, OR 97209

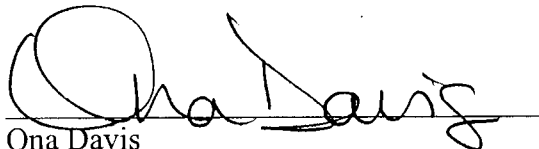
7 by the following method or methods as indicated:

8 (**X**) by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope,
 9 postage prepaid and addressed to said person(s) at the last known address for said
 10 person(s) as shown above, and deposited in the post office at Portland, Oregon, on the
 11 date set forth above.

12 () by causing a true copy thereof to be **hand delivered** to said person(s) at the last known
 13 address for said person(s) as shown above, on the date set forth above.

14 () by mailing via **certified mail, return receipt requested**, to said person(s) a true copy
 15 thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said
 16 person(s) at the last known address for said person(s) as shown above, and deposited in
 17 the post office at Portland, Oregon, on the date set forth above.

18 () by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above,
 19 which is the last known facsimile number for said person(s) on the date set forth above.
 20 A copy of the confirmation report is attached hereto.

21 
 22 Ona Davis
 23 Paralegal

24
 25
 26
 Page 2 – CERTIFICATE OF SERVICE

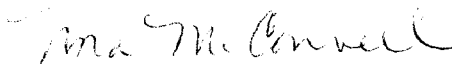
CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2007, I served the foregoing **NOTICE OF REMOVAL** on:

Dirk Doyle
322 NW 5th Avenue, Suite 307
Portland, OR 97209

by the following method or methods as indicated:

- (**X**) by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.
- () by causing a true copy thereof to be **hand delivered** to said person(s) at the last known address for said person(s) as shown above, on the date set forth above.
- () by mailing via **certified mail, return receipt requested**, to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.
- () by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above, which is the last known facsimile number for said person(s) on the date set forth above. A copy of the confirmation report is attached hereto.



Nora McConnell
Paralegal

CERTIFICATE OF SERVICE

Multnomah County Attorney
501 S.E. Hawthorne Blvd., Ste. 500
Portland, Oregon 97214
(503) 988-3138